New York

Child Abuse and Neglect

Definitions of Child Abuse and Neglect

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Physical Abuse

Citation: Soc. Serv. Law § 371

'Abused child' means a child younger than age 18 whose parent or other person legally responsible for his or her care:

- Inflicts or allows to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ
- Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means that would be likely to cause death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ

Neglect

Citation: Soc. Serv. Law § 371

'Neglected child' means a child younger than age 18 whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his or her care to exercise a minimum degree of care:

- In supplying the child with adequate food, clothing, shelter, education, or medical or surgical care, although financially able to do so or offered financial or other reasonable means to do so
- In providing the child with proper supervision or guardianship
- By unreasonably inflicting or allowing harm to be inflicted, or a substantial risk thereof, including the infliction of excessive corporal punishment
- By misusing drugs or alcoholic beverages to the extent that he or she loses self-control of his or her actions
- By any other acts of a similarly serious nature requiring the aid of the court

Sexual Abuse/Exploitation

Citation: Soc. Serv. Law § 371

The term 'abused child' includes a child younger than age 18 whose parent or other person legally responsible for his or her care commits, or allows to be committed, an act of sexual abuse against such child, as defined in title H, article 130, of the penal law.

Emotional Abuse

Citation: Family Court Act § 1012

'Impairment of emotional health' and 'impairment of mental or emotional condition' includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, acting out, or misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

Abandonment

Citation: Soc. Serv. Law § 384-b

A child is 'abandoned' by his or her parent if such parent evinces an intent to forgo his or her parental rights and obligations as manifested by his or her failure to visit the child and communicate with the child or agency, although able to do so and not prevented or discouraged from doing so by the agency. In the absence of evidence to the contrary, such ability to visit and communicate shall be presumed.

Standards for Reporting

Citation: Soc. Serv. Law § 413

A report is required when there is reasonable cause to suspect that a child has been abused or maltreated.

This is summary information, not the full statutory text. Be sure to check your state's statutes for the most current and complete information for mandated reporters in your state.
Persons Responsible for the Child
Citation: Soc. Serv. Law § 371; Family Court Act § 1012
Responsible persons include the child's parent and other persons legally responsible for the child's care.
The term ‘person legally responsible’ includes the child's custodian, guardian, and any other person responsible for the child's care at the relevant time. A custodian may include a person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Exceptions
No exceptions are specified in statute.

Mandatory Reporters of Child Abuse and Neglect
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Professionals Required to Report
Citation: Soc. Serv. Law § 413
The following persons and officials are required to report:

- Physicians, physician assistants, surgeons, medical examiners, coroners, dentists, dental hygienists, osteopaths, optometrists, chiropractors, podiatrists, residents, interns, psychologists, registered nurses, social workers, or emergency medical technicians
- Licensed creative arts therapists, marriage and family therapists, mental health counselors, or psychoanalysts
- Hospital personnel or Christian Science practitioners
- School officials, including but not limited to, teachers, guidance counselors, school psychologists, school social workers, school nurses, or administrators
- Full- or part-time compensated school employees required to hold temporary coaching licenses or professional coaching certificates
- Social services workers, daycare center workers, providers of family or group family daycare, or any other child care or foster care worker
- Directors of children's overnight camps, summer day camps, or traveling summer day camps
- Employees or volunteers in residential care facilities for children that are licensed, certified, or operated by the Office of Children and Family Services
- Mental health professionals, substance abuse counselors, alcoholism counselors, or all persons credentialed by the Office of Alcoholism and Substance Abuse Services
- Peace officers, police officers, district attorneys or assistant district attorneys, investigators employed in the office of a district attorney, or other law enforcement officials

Reporting by Other Persons
Citation: Soc. Serv. Law § 414
Any other person who has reasonable cause to suspect that a child is abused or maltreated may report.

Institutional Responsibility to Report
Citation: Soc. Serv. Law § 413
Whenever a person is required to report in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he or she shall make the report as required and immediately notify the person in charge of such institution, school, facility, or agency, or his or her designated agent. The person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title, and contact information for every staff person of the institution who is believed to have direct knowledge of the allegations in the report. Nothing in this section or title is intended to require more than one report from any such institution, school, or agency.
A medical or other public or private institution, school, facility, or agency shall not take any retaliatory personnel action against an employee because such employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in accordance with this title. No school, school official, child care provider, foster care provider, residential care facility provider, hospital, medical institution provider, or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff specifically required to report under this title.
Standards for Making a Report

Citation: Soc. Serv. Law § 413

A report is required when the reporter has reasonable cause to suspect:

- A child coming before him or her in his or her professional or official capacity is an abused or maltreated child.
- The parent, guardian, custodian, or other person legally responsible for the child comes before the reporter and states from personal knowledge facts, conditions, or circumstances that, if correct, would render the child an abused or maltreated child.

Privileged Communications

Citation: Soc. Serv. Law § 415

Notwithstanding the privileges set forth in article 45 of the civil practice law and rules, and any other provision of law to the contrary, mandated reporters who make a report that initiates an investigation of an allegation of child abuse or maltreatment are required to comply with all requests for records made by a child protective service relating to the report.

Inclusion of Reporter's Name in Report Citation: Soc. Serv. Law § 415

The report shall include the name and contact information for the reporter.

Disclosure of Reporter Identity

Citation: Soc. Serv. Law § 422-a

Any disclosure of information shall not identify the source of the report.